

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

:  
Plaintiff,

:  
- against -

DARIUS DALE, et al.

:  
Defendants.

USDC SDNY
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21-CV-3687 (ALC) (RWL)

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**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves Defendants' letter motion for a protective order limiting the scope of 42 Macro's deposition. (Dkt. 274.) The motion is granted in part and denied in part.

In opposition, Hedgeye asserts that it would not be proper "to issue a prior restraint against even asking certain questions." (Dkt. 277 at 3.) That is not correct, and Hedgeye errantly invokes the prior restraint doctrine. The Court may of course limit the scope of questions asked at deposition. Fed. R. Civ. P. 30(d)(3)(B) ("The court may order that [a] deposition be terminated or may limit its scope and manner as provided in Rule 26(c)"); Fed. R. Civ. P. 26(c)(1)(D) (court may issue order "forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters").

The Court finds that some of the deposition topics are unduly broad and burdensome; namely: Topics 19-24, which concern all communications with various persons regarding or referring to various persons, this case, or the related Terman case; and Topics 25-26, which concern "all allegations" made in Hedgeye's complaints in this case and the Terman case. 42 Macro need not prepare a Rule 30(b)(6) witness on those topics.

The Court disagrees with Defendants that Topics 2-3, 6-12, and 16 should be off limits. However, to the extent that 42 Macro agrees to designate prior deposition testimony of Dale or Lamar as binding on 42 Macro, it may do so. In that event, Hedgeye shall not be permitted to cover the same ground in the 30(b)(6) deposition of 42 Macro.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: July 8, 2022  
New York, New York

Copies transmitted this date to all counsel of record.